



CITY OF DANBURY
155 DEER HILL AVENUE
DANBURY, CONNECTICUT 06810

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PLANNING COMMISSION
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MINUTES
NOVEMBER 17, 2021

The web-based meeting hosted on Zoom was called to order by Chairman Arnold Finaldi at 7:30 PM.

Present were Robert Chiocchio, Arnold Finaldi, Helen Hoffstaetter, Perry Salvagne, Joel Urice. Also present was Deputy Planning Director Jennifer Emminger and Planning Director Sharon Calitro.

Absent were Alternates Kevin Haas and Gary Renz.

Mr. Urice made a motion to accept the November 3, 2021 minutes. Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

OLD BUSINESS:

Nejame Plaza LLC – Application for Special Exception/Revised Site Plan Approval to permit Storage of Concrete Aggregates or Manufacture of Concrete & Concrete Products, Storage of Bituminous Product, Storage or Sale of Building Materials, & Storage of Construction Equipment (Nejame Pool Industrial Site) in the IG-80 Zone - 44 Payne Road (N12004) - SE #776. THERE WILL BE NO ACTION TAKEN ON THIS APPLICATION AT THIS MEETING.

Mr. Urice made a motion to table this matter until the next meeting on December 1, 2021. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with five ayes.

REFERRALS:

8-3a Referral - Petition of the City of Danbury by Sharon B. Calitro, Planning Director to Amend Sections 3.C., 10.B.2. & 10.C.4.(a)(2) of the Zoning Regulations. (Amendments pursuant to Public Act 21-29: Opt out of Parking Requirements, Amend Zoning Permit Fee Schedule to Add Provision Authorizing Charging of Fee for Expert Consultant, and Amend Language in Additional Requirements for Approval of Special Exceptions and Special Permits relative to use of the word “character”) Public hearing scheduled for December 14, 2021.

Mrs. Calitro explained that Public Act 21-29 (PA 21-29) was approved on June 10, 2021. This public act provides for revisions to the State Zoning Enabling Act that affect various aspects of municipal land use regulation. This petition focuses on specific three parts of this public act which became effective as of October 1, 2021. The first aspect is for the City to choose to opt out of the reduced parking requirements that PA 21-29 proposes: zoning regulations adopted pursuant to Section 8-2 shall not *"require more than one parking space for each studio or one-bedroom dwelling or more than two parking spaces for each dwelling unit with two or more bedrooms, unless the municipality opts out in accordance with the provisions of section 5 of this act [PA 21-29]."* She said based on adjustments to the parking requirements over the years, it is evident that Danbury recognizes the significance said requirements play in the role of economic development. The reductions and shared parking allowances that currently exist in the Zoning Regulations have been utilized often and have helped decrease costs associated with development as parking could be reduced and/or eliminated. She added that although the State's efforts to limit parking can be commended, the City is best positioned to determine the number of parking spaces required for residential uses based on local demographics, conditions, and economic needs. Any future revisions to parking requirements will be considered and evaluated to ensure the Regulations continue to meet the needs of City residents. By approving the proposed amendment to Section 3.C and opting out these provisions of the Public Act, the City will be able to continue to do just that. The Public Act also requires that the City Council opt out and staff will submit this request once the Zoning Commission acts on this petition. The second aspect provides that a municipality many require an applicant to pay the cost of any technical reviews by outside consultants that may be required because municipal staff does not have the necessary expertise for their application. We have previously done this for the Planning Commission in the case of some complicated floodplain permit reviews. The third aspect is to delete the word character when used in land use decisions and add new language to replace it. This is meant to remove any ambiguity associated with the word character. Mr. Urice made a motion to give this a positive recommendation for the following reasons

- The City is in the best position to determine the required number of parking spaces for residential uses based on local demographics, conditions, and economic needs.
- The City has previously utilized a similar process for complicated engineering-related reviews when municipal employees lack the needed expertise in the specific field,
- And elimination of the word character will eliminate any possible ambiguity associated its use.

Mrs. Hoffstaetter seconded the motion and it was passed unanimously by voice vote with five ayes.

Chairman Finaldi said this item was inadvertently left off of the agenda:

8-24 Referral – November City Council Agenda Item #2: Proposed Disposition of Property at 3 Post Office Street (I14245).

Mrs. Emminger explained that this is an approximately 7,400 sq.ft. lot located in the C-CBD zone and the Downtown Revitalization Overlay Zone. It contains a building known as Tuxedo Junction that has a long history of use as a café and bar, it is a corner lot with frontage on both Post Office and Ives Streets. Post Office Street was converted to a pedestrian walkway over twenty years ago and has not been used for vehicular traffic since that time. Mrs. Emminger continued saying that this property was purchased by the City in 2017 with the intent that it would be leased out to a business that would be community oriented. This did not work out because there was not a lot of interest in the site. She said offering this lot for sale now, would comply with the intent of the Transit Oriented District Study and would promote economic development. She said the re-use of this site would require a significant financial investment by whoever purchases it.

Mrs. Hoffstaetter made the motion to give a positive recommendation for the disposition of the subject property in the manner authorized in the Code of Ordinances. The following reason was given: disposition of this property for redevelopment furthers the intent of the 2019 Downtown Danbury Transit-Oriented Development Study, fosters economic development, and, with proper design will help activate adjacent public space. Mr. Chiochio seconded the motion and it was passed with four ayes (from Mr. Chiochio, Mrs. Hoffstaetter, Mr. Salvagne, and Chairman Finaldi) and one nay (from Mr. Urice).

NEW BUSINESS:

Mrs. Emminger noted that the following two new Special Exception applications were submitted since the agenda was posted.

Alpha Professional Building LLC – Application for Special Exception/Revised Site Plan Approval for Conversion of Professional Office Space to Medical Office Space in the CA-80 Zone – 34 Mill Plain Road (E15104) – SE #783. Public hearing scheduled for January 5, 2022.

46 Mill Plain LLC – Application for Special Exception/Site Plan Approval for Mixed Use Development (Westconn Park) in the CA-80, RMF-4, & RA-40 Zones {(1) Proposed Uses in CA-80 Zone: Retail, Professional/Business Offices, Bank with Drive-Thru, & Restaurant [Secs. 3.E.8., 5.B.2.a.(5), 5.B.2.a.(8), 5.B.2.a.(39), & 4.B.2.a.(40)], (2) Proposed Uses in RMF-4 Zone: Apartment House, Housing Incentive Option, & Congregate Housing [Secs. 4.B.2.a.(1), 4.B.4.a., 4.B.7., 4.B.2.a.(4), & 4.B.4.d.], (3) Proposed Use in RA-40 Zone: Park, Playground or Recreational Facility [Secs. 4.A.2.a.(4) & 4.A.4.d.], and (4) Cumulative Uses Generating Over 500 Vehicle Trips Per Day [Sec. 3.E.2.]} – 3-13 Mill Plain Road & Amity Lane (E15038, E15039, E15040, E15041, E15042, E15043, E15044, & E15045) - SE #784. Public hearing scheduled for January 19, 2022.

Chairman Finaldi said these applications would be on file in the Planning & Zoning office.

Chairman Finaldi noted that listed under Correspondence was the 2022 meeting schedule. He also said listed under For Reference Only were three Floodplain permits and a public hearing

scheduled for December 1, 2021. Under Other Matters, Mrs. Hoffstaetter asked when they would be voting on the Nejame application. Mrs. Emminger said the resolution would be ready by the next meeting.

At 8:25 PM, Mr. Urice made a motion to adjourn. Mr. Chiocchio seconded the motion and it was passed unanimously by voice vote with five ayes

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "JoAnne V. Read". The signature is fluid and extends to the right.

JoAnne V. Read
Planning Assistant